

REMARKS

Applicant has amended the claims to clarify the present invention and has now incorporated the subject matter of Claim 4 into Claim 1, the only independent claim rejected in the Office Action. Claims 1-3, 5, 6, 7 and 14-17 are thus now being prosecuted, at present.

As now specified, amended Claim 1 is to a shelf assembly that has a shelf support having a fixing part, a projecting body extending from the fixing part, and a fall prevention part which is part of and extends from an end of the projecting body. The shelf body has a cavity to encase the shelf support entirely, and the fixing part may be fixed to a desired spot by at least a portion thereof, and the fall prevention part is a leaf spring capable of pressing an inner wall of the shelf body in the cavity and holding the shelf body while preventing the shelf body from falling off without use of a separate fall prevention part. Such an arrangement is not taught or suggested in the prior art.

Claim 4, the subject matter of which has now been incorporated into Claim 1, has been rejected under 35 U.S.C. 103(a) in view of a combination of Koto (JP 2001-161588) and Everett (U.S. 4,611,866). Reconsideration and removal of this rejection is respectfully requested in view of the present amendments to claim 1 and the following remarks.

The Koto device, which is referred to on page 2 of the present specification, has the disadvantage that the shelf support and shelf body must be fixed together with screws 4. The Office Action considers the screws to be a fall prevention part of the Koto assembly. In the present claimed shelf assembly, however, no screws or separate fall prevention part is required and the fall prevention part is "a part of and extends from" an end of the projecting body of the shelf support.

Claim 1 has been amended to specify that the fall prevention part is part of and extends from the end of the projecting body. Thus, Koto does not disclose or suggest the structure of the present invention.

Original Claim 4, which has now been incorporated into Claim 1, was rejected on the basis of Koto combined with Everett, which is to a telescoping display canopy. The office Action alleges that Koto does not show a fall prevention part that is a spring structure, but that Everett shows an assembly where a fixing part 24a (FIG. 4) has a fall prevention part that is a screw and/or a spring.

Applicant does not believe that the element 24a of Everett can be comparable to the fixing part of the present claimed shelf assembly. The Everett device is a canopy for a display gondola which is completely distinct from the present claimed shelf assembly. In Everett, 24a (FIG. 4) denotes a front post, not a fall prevention part such as a leaf spring. In fact, Everett, as best as Applicant can determine, does not teach or suggest any use of a leaf spring structure.

There is thus no motivation in either Koto or Everett that they should be combined, and even if they were to be combined, the present claimed shelf assembly would not be taught or suggested.


In view of the present amendments to Claim 1 and the above remarks, Claims 1-3, 5, 6, and 14-17 are believed to be patentable and early action towards allowance thereof is respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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